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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,722	03/30/2004	Stephen M. Andrews	PP/1-22158/P2/CGC 2053/DI	1441
324 7590 06/06/2007 CIBA SPECIALTY CHEMICALS CORPORATION PATENT DEPARTMENT 540 WHITE PLAINS RD	EXAMINER			
PATENT DEP	ARTMENT		YOON,	TAEH
		•	ART UNIT	PAPER NUMBER
P O BOX 2005 TARRYTOWN, NY 10591-9005			1714	
•		•		
			MAIL DATE	DELIVERY MODE
			06/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/812,722	ANDREWS ET AL.			
Office Action Summary	Examiner	Art Unit			
	Tae H. Yoon	1714			
The MAILING DATE of this communication	n appears on the cover sheet	with the correspondence address			
ariad for Bonly		•			
A SHORTENED STATUTORY PERIOD FOR R WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	FR 1.136(a). In no event, however, may on. period will apply and will expire SIX (6) N	a reply be timely filed ONTHS from the mailing date of this communication. ARANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	16 March 2007.				
2h)	2h) This action is non-tinal.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice un	nder Ex parte Quayle, 1935 (J.D. 11, 455 O.G. 216.			
Disposition of Claims					
4) Claim(s) 1.3-10 and 19-26 is/are pending	g in the application.				
4a) Of the above claim(s) is/are w	ithdrawn from consideration.				
5) Claim(s) is/are allowed.					
6) Claim(s) 1.3-5.7-9.19-23.25 and 26 is/ar	e rejected.				
7) Claim(s) 6,9,10 and 24 is/are objected to).				
8) Claim(s) are subject to restriction	and/or election requirement	•			
Application Papers					
9) The specification is objected to by the Ex	caminer.				
40)[] The drawing(s) filed on is/are: a)	☐ accepted or b) ☐ objected	d to by the Examiner.			
A 11 and met sequest that any objection	n to the drawing(s) be neig in ab	leyance. See 37 Of 11 1.00(4).			
Replacement drawing sheet(s) including the	correction is required if the dra	wing(s) is objected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by	the Examiner. Note the atta	Ched Office Action of form 1.5 ,52.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for	foreign priority under 35 U.S	s.C. § 119(a)-(d) or (f).			
a) ☐ All b) ☐ Some * c) ☐ None of:		·			
1 Cortified copies of the priority do	cuments have been received	l.			
Cortified copies of the printity do	cuments have been received	in Application No			
3.☐ Copies of the certified copies of t	the priority documents have	been received in this National Stage			
application from the Internationa	Bureau (PCT Rule 17.2(a))	o not rocoived			
* See the attached detailed Office action f	or a list of the certified copie	5 HOLIEGEIVEG.			
Attachment(s)	م. ا	nview Summary (PTO-413)			
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO	Pap	4) Interview Summary (PTO-413) Paper No(s)/Mail Date.			
3) Information Disclosure Statement(s) (PTO/SB/08)	√/ ⊑ ··	ice of Informal Patent Application er:			
Paper No(s)/Mail Date	6) 🔲 Oth	OI			

Application/Control Number: 10/812,722

Art Unit: 1714

A proper Terminal Disclaimer is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 4, 5, 7, 8, 19-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Winter et al (US 5,280,124).

Rejection is mainaed for reason of record with following response.

Again, Winter et al teach manufacturing of shaped articles from organic polymers containing hydroxyphenyl benzotriazoles at col. 12, lines 24-37 and said shaped articles encompass the instant clear or lightly colored container. Various amorphous and low crystalline polymers such as polystyrene, polycarbonate or polyester (such as PET) yielding clear thin sheet are also taught at cols.10 and 11. PET is well known clear container for 2-liter soda bottles. Formula (III) of claims 5 and 8 is an optional component when combined with claim 1.

Application/Control Number: 10/812,722

Art Unit: 1714

Applicant asserts unexpected result based on formulations 4 and 5 over formulation 2, but it has little probative value for following reason;

- 1. Said unexpected result cannot overcome anticipation rejection.
- 2. Showing (particular stabilizer as well as PET bottle and particular conents) is narrower than the claimed scope even if said showing had probative value.

Claims 1, 3, 4, 5, 7, 8, 19-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as obvious over Winter et al (US 5,280,124) in view of Birbaum et al (US 5,597,854).

Rejection is mainaed for reason of record with above response.

Claims 1, 3, 5, 8, 21-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rody et al (US 4,127,586).

Rejection is mainaed for reason of record with the same response given under Winter et al above.

Claims 6, 9, 10 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 10/812,722

Art Unit: 1714

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Primary Examiner
Art Unit 1714